

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

CRP.No. 248 of 2004()

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AGAINST THE ORDER DATED 29/08/2003 IN EP.253/99 IN
LAR.90/1987 of I ADDL.SUB COURT,ERNAKULAM
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REVN. PETITIONER: 2ND RESPONDENT/2ND JD:

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GREATER COCHIN DEVELOPMENT AUTHORITY,
REP.BY ITS SECRETARY, KADAVANTHRA, KOCHI-20.**

BY ADV. SRI.P.R.RAMACHANDRA MENON, SC,GCDA

RESPONDENTS: DECREE HOLDERS 1 TO 7 & 1ST JD RESPECTIVELY.

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1. K.E.IYSHA BEEVI, W/O. A.B.MUHAMMED,
ALUNKAPARAMBIL, ERNAKULAM VILLAGE.**

2. A.M.RAZAK, DO.

3. A.M.NAZEEM USMAN, DO.

4. A.M.NIZAR, DO.

5. A.M.SHABAI NIZAR, DO.

6. A.M.THAHIYA MAJEED, DO.

7. A.M.SADIQUE, DO.

8. STATE OF KERALA.

**BY ADV. SRI.A.K.SRINIVASAN for R1 to R7
SRI.N.S.MOHAMMED USMAN
SRI.A.S.BENOY**

BY GOVERNMENT PLEADER SRI. SHYSON P.MANGUZHA for r8

**THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 18/07/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

PIUS C. KURIAKOSE, J.

C.R.P. No.248 of 2004 B

Dated this the 18th day of July, 2007.

O R D E R

Heard Sri.P.R.Ramachandra Menon, learned counsel for the revision petitioner and Sri.A.K.Srinivasan, learned counsel for respondents 1 to 7.

2. I find force in the submission of Sri.A.K.Srinivasan that in view of the latest pronouncement of the Supreme Court in **Gurpreet Singh v. Union of India {2006(8) SCC 457}** on the question of appropriation of part payments towards decree debts in Land Acquisition cases, the learned Subordinate Judge's view regarding appropriation is only to be approved. Therefore, the challenge against the impugned order will fail. The Execution Court is directed to ensure that the amount determined under the impugned order and deposited by the revision

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petitioner/judgment debtor is received at the earliest by the respondents/decreed holders. Since the amounts are now under deposit with a bank pursuant to orders of the court, the needful will be done at the earliest to close the deposit prematurely so that the proceeds can be paid over to the decreed holders.

Civil Revision Petition is disposed of as above.

Sd/-
(PIUS C. KURIAKOSE)
JUDGE

sk/

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